

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATH SHETTY

WRIT PETITION NO.16383/1998.

BETWEEN:

Shri V.S.Ninga Setty,
S/o Sidda Setty,
aged about 50 years,
r/a Boopanahere village & Hobli,
K.R.Pet Taluk,
Mandya Dist.

Represented by his G.P.A.Holder
Sri Paramesha s/o Marikutta Setty,
aged about 45 years, r/a
Boopanakere village & hobli,
K.R.Pet Tq., Mandya Dist.

.. PETITIONER

(By Sri.S.V.Narayana Murthy, Adv.)

AND:

1. The State of Karnataka
by its Secretary to Govt.,
M.S.BUildings,
Dr.Ambedkar Veedhi,
Bangalore-560 001.
2. The Asst.Commissioner,
Pandavapura Sub-Division,
Pandavapura Tq.,
Mandya Dist.
3. The Tahsildar,
K.R.Pet Taluk,
Mandya Dist.
4. Sri.A.M.Vishakante Gowda,
s/o lateNinge Gowda,
aged about Major,
Aralakuppe village,
Boopanakere Hobli,
K.R.Pet Tq., Mandya Dist.

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5. Sri D.G.Chandrasekharaiah
s/o Gurubasavaiah,
Major, residing at
Muneshwara Block,
Bangalore-560 026.

.. RESPONDENTS

(By Sri.B.E.Kotian, HCGP
for R-1 to 3).

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This Writ Petition is filed under
Articles 226 and 227 of the Constitution
praying to quash vide Ann.G, dt.20.5.98
passed by R2 on his file and also quash
the order vide Ann.F, dt.11.5.98 passed
by R3, etc.

This Writ Petition coming on for
preliminary hearing this day, the Court
made the following:-

O R D E R

Sri Kotian, learned Government Advocate
is directed to take notice to respondents-1 to
3.

2. The petitioner in this petition has
called in question the correctness of the orders
passed by Respondents-2 and 3 directing that
the name of the 4th respondent should be entered
in the revenue records pursuant to the sale of
the land in question by the 5th respondent in
favour of the 4th respondent.

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3. Sri Narayana Murthy, learned counsel appearing for the petitioner submitted that the materials on record would show that the 5th respondent before executing the Sale Deed in favour of the 4th respondent had put the petitioner in possession of the land in question pursuant to the agreement to sale executed by the 5th respondent in favour of the petitioner. He further pointed out that the petitioner has already filed a suit for specific performance of the terms of the said agreement for a decree for and for ~~declaration of~~ permanent injunction; and therefore, the impugned orders which directs that the name of the 4th respondent should be entered in the revenue records would seriously affect the possession of the petitioner in respect of the land in question.

4. Having regard to the facts and circumstances of the case, I am of the view, that

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this is not a fit case for interference by this court in exercise of its extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India. If the petitioner is aggrieved by the orders impugned, he has remedy as provided under the proviso given to Section 135 of the Land Revenue Act. Further, since the parties are already before the Civil court, it is open to the petitioner to seek for appropriate relief before the Civil court, if there is any interference with regard to his possession in respect of land in question. In that event, the Civil court is required to consider the claim of the parties on the basis of the materials that may be placed before it and without being influenced by the entries which is now seriously disputed by the petitioner and also the observation made in the course of the orders impugned in this petition.



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5. Subject to the observation made above,
this petition is rejected.

6. Sri Kotian, learned Government Advocate
is given four weeks time to file his memo of
appearance.

Sd/-
JUDGE

